

108TH CONGRESS  
2D SESSION

# S. 2047

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the compensation program established by that Act.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2004

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain former nuclear weapons program workers in the Special Exposure Cohort under the compensation program established by that Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress finds that—

5               (1) energy workers at the former Mallinkrodt  
6       facilities (including the St. Louis downtown facility,  
7       the Weldon Springs facility, and the Hematite facil-

1       ity) were exposed to levels of radionuclides and ra-  
2       dioactive materials that were much greater than the  
3       current maximum allowable Federal standards;

4           (2) the Mallinkrodt workers at the St. Louis  
5       site were exposed to excessive levels of airborne ura-  
6       nium dust relative to the standards in effect during  
7       the time, and many workers were exposed to 200  
8       times the preferred levels of exposure;

9           (3)(A) the chief safety officer for the Atomic  
10      Energy Commission during the Mallinkrodt-St.  
11      Louis operations described the facility as 1 of the 2  
12      worst plants with respect to worker exposures;

13          (B) workers were excreting in excess of a milli-  
14      gram of uranium per day causing kidney damage;  
15      and

16          (C) a recent epidemiological study found excess  
17      levels of nephritis and kidney cancer from inhalation  
18      of uranium dusts;

19          (4) the Department of Energy has admitted  
20      that those workers were subjected to risks and had  
21      their health endangered as a result of working with  
22      these highly radioactive materials;

23          (5) the Department of Energy reported that  
24      workers at the Weldon Springs feed materials plant

1 handled plutonium and recycled uranium, which are  
2 highly radioactive;

3 (6) the National Institute of Occupational Safe-  
4 ty and Health admits that—

5 (A) the operations at the St. Louis down-  
6 town site consisted of intense periods of proc-  
7 essing extremely high levels of radionuclides;  
8 and

9 (B) the Institute has virtually no personal  
10 monitoring data for workers prior to 1948;

11 (7) the National Institute of Occupational Safe-  
12 ty and Health has informed claimants and their sur-  
13 vivors at those 3 sites that if they are not inter-  
14 viewed as a part of the dose reconstruction process,  
15 it—

16 (A) would hinder the ability of the Insti-  
17 tute to conduct dose reconstruction for the  
18 claimant; and

19 (B) may result in a dose reconstruction  
20 that incompletely or inaccurately estimates the  
21 radiation dose to which the energy employee  
22 named in the claim had been exposed;

23 (8) the Department of Health and Human  
24 Services published the first notice of proposed rule-  
25 making concerning the Special Exposure Cohort on

1 June 25, 2002, and as of January 27, 2004, the  
 2 rule has yet to be finalized; and

3 (9) many of those former workers have died  
 4 while waiting for the proposed rule to be finalized,  
 5 including some claimants who were waiting for dose  
 6 reconstruction to be completed.

7 **SEC. 2. DEFINITION OF MEMBER OF THE SPECIAL EXPO-**  
 8 **SURE COHORT.**

9 Section 3621(14) of the Energy Employees Occupa-  
 10 tional Illness Compensation Program Act of 2000 (42  
 11 U.S.C. 7384(14)) is amended—

12 (1) by redesignating subparagraph (C) as sub-  
 13 paragraph (D); and

14 (2) by inserting after subparagraph (B) the fol-  
 15 lowing:

16 “(C) The employee was so employed for a  
 17 number of work days aggregating at least 45  
 18 workdays at a facility operated under contract  
 19 to the Department of Energy by Mallinkrodt  
 20 Incorporated or its successors (including the St.  
 21 Louis downtown or ‘Destrahan’ facility during  
 22 any of calendar years 1942 through 1958, the  
 23 Weldon Springs feed materials plant facility  
 24 during any of calendar years 1958 through  
 25 1966, and the Hematite facility during any of

1           calendar years 1958 through 1969), and during  
2           the employment—

3                   “(i)(I) was monitored through the use  
4                   of dosimetry badges for exposure at the  
5                   plant of the external parts of an employ-  
6                   ee’s body to radiation; or

7                   “(II) was monitored through the use  
8                   of bioassays, in vivo monitoring, or breath  
9                   samples for exposure at the plant to inter-  
10                  nal radiation; or

11                  “(ii) worked in a job that had expo-  
12                  sures comparable to a job that is mon-  
13                  itored, or should have been monitored,  
14                  under standards of the Department of En-  
15                  ergy in effect on the date of enactment of  
16                  this subparagraph through the use of do-  
17                  simetry badges for monitoring external ra-  
18                  diation exposures, or bioassays, in vivo  
19                  monitoring, or breath samples for internal  
20                  radiation exposures, at a facility.”.

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